

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 56438

R2W2 LLC
Ron Rider

806 Race Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 28, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-2-301, 304; Baltimore County Building Code (BCBC) section 115, failure to obtain a valid building permit for pole-barn on property known as 806 Race Road, 21221.

On May 8, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Gary Hucik issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,400.00 (seven thousand four hundred dollars).

The following persons appeared for the Hearing and testified: Ron Rider with R2W2, Ken Robertson with TFC Electric, represented by Adam Baker, Esq., of Whiteford Taylor Preston LLP and Gary Hucik, Baltimore County Building Inspections Inspector.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 2, 2009 for Respondent to obtain a valid and approved building permit for a newly constructed pole barn. This Citation was issued on May 8, 2009.

B. Building Inspector Gary Hucik testified that he inspected the property on February 23, 2009 following receipt of a complaint from the Baltimore County Fire Department. The structure is a large commercial pole barn, approximately 40 feet by 60 feet in size, and no permits or inspections were obtained for the construction. County zoning regulations and building code and permit requirements are enacted and enforced to protect public safety and to comply with environmental protection requirements, as well as to ensure harmonious development and land management. The Baltimore County Code prohibits the construction or alteration of a building without obtaining a permit, and specifically provides for a \$1,000.00 (one thousand dollars) civil penalty for violation. County Code Section 35-2-304.

C. This Hearing was postponed at Respondent's request to allow time for permit application and for review by County agencies. On June 17, 2009 Respondent was notified that the Development Review Committee (DRC) determined that the project meets the requirements of a limited exemption and that Respondent can apply for a building permit.

D. Attorney Adam Baker stated at this Hearing that Respondent has engaged a structural engineer to produce the certified documentation that is required for the building permit application. He further stated that additional time is needed to permit the structural engineer to do a site visit and prepare the required documentation. Electrical work required by BG&E has already been completed by TFC Electric, a licensed contractor. Inspector Hucik recommended that an additional thirty days be provided.

E. Respondent improperly constructed this large commercial building without required permits and approvals, and without required inspections. Under county law, Respondent could be required to remove the building. However, Respondent has been taking the necessary steps to obtain the required permits. The civil penalty will be substantially reduced if Respondent obtains the required permit within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$7,400.00 (seven thousand four hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$1,000.00 (one thousand dollars) if Respondent obtains a valid building permit by September 4, 2009.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 31st day of July 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.